

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TEMUJIN KENSU, individually,  
and on behalf of all others similarly  
situated,

Plaintiff,

Case No. 2:18-cv-11086-SFC-PTM

Hon. Sean F. Cox  
Mag. Judge Patricia T. Morris

v.

JPAY, INC., a Delaware Corporation,

Defendant.

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Ari Kresch (P29593)  
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**STIPULATED ORDER REGARDING  
PLAINTIFF'S PROPOSED AMENDED COMPLAINT**

This matter having come before the Court on the stipulation of the parties; the Court finding good cause to enter this Order so as to facilitate the efficient resolution of the parties' dispute concerning whether this case should be dismissed or stayed pending arbitration; and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED as follows:

1. Plaintiff is granted leave to file his proposed Amended Complaint (previously lodged as Dkt #15 but subsequently stricken) and he shall do so within five (5) days of entry of this Order;

2. Defendant has fourteen (14) days to file a renewed Motion to Compel Arbitration ("Arbitration Motion") from the date Plaintiff files his Amended Complaint;

3. All other defenses and arguments that Defendant may have as to the Amended Complaint, including pursuant to Fed.R.Civ.P. 12, are preserved at this time. Defendant need not answer or otherwise plead in response to the Amended Complaint until the Court resolves the Arbitration Motion and sets forth a response deadline, should that become necessary.

4. Defendant's Motion to Compel Arbitration (Dkt #12) and Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt #13), which related to Plaintiff's initial Complaint (Dkt #1), are deemed moot in light of Plaintiff's Amended Complaint and this Order.

SO ORDERED.

Date: June 26, 2018

S/ PATRICIA T. MORRIS

Patricia T. Morris  
United States Magistrate Judge

Dated:

Stipulated to by all parties:

/s/ Keith L. Altman  
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